

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS (“BOCC”) OF PITKIN  
COUNTY, COLORADO APPROVING THE 2018 ASPEN MOUNTAIN SKI AREA AMENDED  
AND RESTATED SKI-REC MASTER PLAN, ACTIVITY ENVELOPE AND SITE PLAN REVIEW**

**Resolution No. \_\_\_\_-2019**

**RECITALS**

1. Pursuant to Section 2.8.4 (Actions) of the Pitkin County Home Rule Charter (“HRC”), all matters not required to be acted upon by ordinance or formal resolution may be acted upon by informal resolution.
2. Aspen Skiing Company (“Applicant” or “ASC”) is requesting approval of an Amended and Restated SKI-REC Master Plan for the Aspen Mountain Ski Area to address existing and proposed facilities and uses. Uses, components and elements of the Master Plan that were previously approved and exist, and are not proposed to be changed or altered are being “Restated.” Other components are new to this Master Plan and are referred to as the “Upgrade Plan.” The Applicant is also requesting Activity Envelope and Site Plan approval for specific improvements.
3. The Applicant also applied to rezone private and public lands from Agricultural/Residential 10 acre (“AR-10”) and Rural/Remote (“RR”) to Ski Recreation (“SKI-REC”) in the Pandora area to the south and east of the existing ski area and to include terrain, lift and related improvements in this area (the “Pandora Development”) in the SKI-REC Master Plan. These requests were bifurcated at the request of the Applicant from the remainder of the application, and the Pandora Development is not included or discussed in the Upgrade Plan as described herein.
4. The Upgrade Plan in the Master Plan includes the following elements:
  - A. Upgrade or realign two existing lifts - Shadow Mountain and Bell Mountain.
  - B. New snowmaking coverage on six existing trails that would cover approximately 53 acres on the upper portion of the ski area. This improvement will require the installation of underground water/air pipe lines and electrical wire, as well as the construction of a booster water pump station and two additional snowmaking storage ponds.
  - C. Construct a new Patrol Headquarters Building (PHQ) adjacent to the north side of the Silver Queen Gondola storage building. The existing PHQ will be demolished.
  - D. Re-open Ruthie’s Restaurant, which could include renovation and remodeling, upgrading and/or rebuilding. In addition to reopening as an on-mountain lunch venue, evening food and beverage offerings with access provided by a realigned Lift 1A/ Shadow Mountain lift are also planned.
  - E. Construct one or more on-mountain cabins or huts in the vicinity of Ruthie’s Restaurant for overnight accommodations.
  - F. Upgrade, expand, remodel and/or redevelop the existing Buckhorn Cabin to provide an expanded shelter alternative and food and beverage option for daily operations and special events.
  - G. Install additional cell tower sites, data equipment, fiber optic lines, and antennae tower sites.
  - H. Summer and multi-season projects, including downhill and flow mountain biking and hiking trails, challenge course, climbing wall, bouldering or climbing features and upgraded music venue, are planned in accordance with the summer zone designations.
  - I. Continuation of summit landscaping, including but not limited to improvements in and around art, music, and wedding venues.

5. The Aspen Mountain Ski Area is located on Aspen Mountain and consists of numerous platted, separately described public and private lands, described in **Exhibit A**. Approximately 63% of the land on which the Ski Area operates is privately owned. ASC owns much of the private property and/or has ski easements on the property that it does not own. Approximately 37% of the land is composed of National Forest Service lands. ASC also owns approximately 16.3 acres within the City of Aspen boundary at the base of the Ski Area.
6. The existing ski area is zoned SKI-REC.
7. The current Aspen Mountain Ski Area Master Plan was approved by the Board of County Commissioners by Resolution No. 98-80, with various amendments approved over time.
8. ASC submitted a new master plan proposal to the United States Forest Service (USFS) in 2017 for review. The USFS accepted the Applicant's "2018 Aspen Mountain Master Development Plan (MDP)" in January 2018. The 2018 MDP as developed and submitted to the USFS amends and updates the existing federal 1997 Aspen Mountain Master Plan. The MDP provides a detailed assessment of existing facilities and operations on Aspen Mountain, as well as a comprehensive overview of planned elements within the Aspen Mountain Special Use Permit (SUP) area and on private lands.
9. ASC subsequently submitted the Pandora Development and Summit Snowmaking Projects for federal project and NEPA review. The District Ranger issued a Final Decision Notice for the Environmental Assessment on March 20, 2019.
10. The Pitkin County Planning and Zoning Commission ("Planning Commission") adopted Resolution No. PZ-03-2019 On March 19, 2019, recommending approval of the Aspen Mountain Ski Area SKI-REC Master Plan, Activity Envelope and Site Plan Review to the Board of County Commissioners for consideration.
11. The BOCC finds that the proposed Amended and Restated Aspen Mountain Ski Area SKI-REC Master Plan for the existing Aspen Mountain Ski Area is consistent with the Pitkin County Comprehensive Plan and the Land Use Policies stated in the Code.
12. The BOCC further finds that the SKI-REC Master Plan complies with the standards in Sec. 2-40-100 of the Land Use Code ("Code") for master plans.
13. The BOCC further finds that the Growth Management Quota System is not applicable to the SKI-REC Master Plan. With the ski areas, ASC, Aspen/Pitkin County Housing Authority ("APCHA") and the County have agreed to utilize a different methodology for employment generation, since employee generation is rarely tied to building square footage. For the ski areas, ASC provides the total number of hours worked by all employees – full-time, part-time, seasonal – and divides the total by 2,080 hours (52 weeks X 40 hours per week). This provides the actual FTE generation for the current operation. The FTE baseline for Aspen Mountain, established in the 1997 Master Plan, is 164.4 FTEs. The ski area has not exceeded this baseline, and agrees that mitigation will be required for any FTEs in excess of 164.4
14. The BOCC further finds that the Activity Envelopes for the base area and on-mountain facilities comply with the Code as follows:

- A. The Activity Envelopes primarily contain slopes of less than 30%. Slopes in excess of 30% within the envelopes are man-made anomalies. The Code permits development in these areas of slopes in excess of 30%, pursuant to Sec. 70-20-20(c)(3).
  - B. The wildfire hazard can be mitigated.
  - C. The proposed Activity Envelopes are primarily in areas where there is existing development. Remodeling, expansion or replacement of facilities within the envelopes will not create additional impacts on wildlife.
  - D. The Activity Envelopes avoid geologic hazard areas.
  - E. The Activity Envelopes avoid river and stream corridors and wetlands.
15. The BOCC further finds that the proposed expansion of the Sundeck will not be visible from Castle Creek Road, and, therefore, is exempt from Scenic Review.
16. The BOCC further finds that it is not appropriate to include on-mountain cabins or huts in the vicinity of Ruthie's Restaurant for overnight accommodations as a further review use in the Master Plan.
17. The BOCC finds that it is appropriate to grant a 10 year vested right for the Activity Envelope and Site Plan approvals granted herein to coincide with the 10 year time frame of the Master Plan.
18. The BOCC finds that it is in the best interests of the citizens of Pitkin County to approve this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pitkin County, Colorado that it hereby adopts a Resolution Approving the Amended and Restated Aspen Mountain Ski Area SKI-REC Master Plan, Activity Envelope and Site Plan Review, subject to the conditions set forth herein, which shall run with the land and be binding on all successors in interest, and authorizes the Chair to sign the Resolution and upon the satisfaction of the County Attorney as to form, execute any other associated documents necessary to complete this matter.

- 1. The Applicant shall adhere to all material representations made in the current or prior applications or in public meetings or hearings and shall consider those representations to be conditions of approval, unless amended by other conditions.
- 2. The 2018 Aspen Mountain Amended and Restated SKI-REC Master Plan attached hereto as **Exhibit C** shall replace the 1998 Master Plan and all subsequent amendments.
- 3. The approved Listing of Uses and Activities for the ski area is attached as **Exhibit B**. The Listing specifies the following:
  - A. Activities and uses allowed all year;
  - B. Activities and uses allowed during the traditional winter ski season;
  - C. Activities and uses allowed during the traditional spring, summer, fall seasons;
  - D. Activities and uses which are allowed by further review.
- 4. Prior to submission of any earthmoving, access, or building permit applications, the Applicant shall be required to submit for approval by the County Attorney and Community Development the revised Master Plan, Activity Envelope Plans and Site Plans. The above referenced approvals shall be a

condition precedent to finalization and recordation of the documents.

5. All newly created roadways or roadway improvements outside of an existing County road right-of-way must be accompanied with a dedication of right-of-way or fee interest as determined by the County in a form acceptable to the County Attorney. The dedication must be accepted by the BOCC by Ordinance, prior to submission of any permits for the roadway improvements.
6. The time frame of the Master Plan is 10 years. After 10 years the Applicant shall provide an update to the County on the status of the Update Plan and shall submit a request to the County to extend the time frame of the Master Plan and/or the vested rights, if so desired.
7. With the applicable development permits for improvements described in and approved by this Master Plan including, but not limited to, the snowmaking expansion, lift relocation and replacement, utility extension, snowmaking ponds, lines and pump station, the Applicant shall:
  - A. Submit a Construction Management Plan. The Plan shall specifically address the use of County roads and shall be reviewed and approved by the County Engineer. If the Plan includes use of Little Annie Road or Midnight Mine Road the Little Annie Homeowners Association and other residents and property owners along the roads shall have the opportunity to review and comment on the Plan; notification shall be provided via the County website.
  - B. Submit a site specific drainage and erosion control plan prepared by a qualified engineer or geologist for review and approval by the Planning Engineer. If the project disturbs more than one acre, a State Stormwater Permit shall be obtained prior to permit issuance. All historic and natural drainage patterns shall be maintained.
  - C. Submit a detailed revegetation plan for disturbed areas with appropriate seed mixes.
  - D. Submit a noxious weed mitigation plan.
  - E. With the permits for the snowmaking ponds, submit a report provided by an engineer or geologist licensed in the State of Colorado confirming that the slope's ground surface is not prone to instability or failure and that the proposed development will not cause greater instability or increase the potential for slope failure.
8. The Applicant shall comply with all of the codes and requirements of the Aspen Fire Protection District, including but not limited to fire department access, and fire sprinkler and fire alarm systems.
9. Prior to implementation of the Amended and Restated Master Plan, the employee baseline for Aspen Mountain is set at 164.4 FTEs (based on the 1997 baseline). Employee audits shall be completed two years and five years after issuance of a Certificate of Occupancy for the Sundeck expansion. The employee audits shall be completed at the expense of the Applicant. The auditor shall be approved by the Aspen/Pitkin County Housing Authority staff. Any additional FTEs in excess of 164.4 shall be mitigated based upon the housing impact fee in effect at the time of payment and no later than one month from the date of the audit finding. Alternative mitigation may be provided, if approved by APCA and the BOCC. All additional employees shall be mitigated whether from the expanded development or via other services provided by the Applicant. Additional audits shall be required through the further

review for the reopening of Ruthie's restaurant or if otherwise determined to be appropriate.

10. The BOCC finds that the expanded snowmaking approved by this Resolution may result in a potential increase in water usage by the Applicant. This potential increase in water use will generally occur during the traditional snowmaking period from November 1 through January 15 and outside this period for the purpose of supporting special occurrences or events on Aspen Mountain. In order to protect the riparian and aquatic environments associated with Maroon and Castle Creeks below the points of diversion for the City of Aspen which provide water for snowmaking, the Applicant will participate with Pitkin County in a collaborative program to investigate and quantify the aquatic and riparian environment on Maroon and Castle Creeks, including fishery habitat and macroinvertebrates. Applicant will participate in a riparian study with a methodology consistent with or similar to that described in **A Scientific/Social Framework for Managing Impacts of Water Diversions to Protect Stream Health in Pitkin County, Colorado** as authored by Greg Espegren, May 2012 and published as an addendum in the Pitkin County Land Use Code. Applicant and Pitkin County will work together to select a mutually acceptable technical consultant or consultants to begin such investigations and collect data in the Fall of 2019, and to repeat such data collection and evaluation of stream health as appropriate for the duration of the Ski Area Master Plan. If, in the future and following discussion between Applicant and Pitkin County, the technical consultant engaged to undertake the stream monitoring program described above determines that additional water usage, if any, arising out of the expanded snowmaking approved by this Resolution, is having a negative impact upon the health of Castle or Maroon Creeks, or that such negative conditions associated with the health of these stream systems are occurring at the same time as snowmaking activity, then Pitkin County may require that Applicant limit its water usage to the historical volume of water used for snowmaking purposes prior to approval of this Resolution, so long as the technical consultant or consultants determine that it is reasonably likely that Applicant's activities are contributing to negative conditions resulting in adverse stream health and that timely limiting such additional water usage is reasonably likely to impact the improvement of the health of the stream system. Applicant and Pitkin County shall develop an operating plan concerning the expanded snowmaking activity within the scope of this Resolution prior to Applicant's operation of such expanded snowmaking activity, to the satisfaction of the Pitkin County Attorney.
11. Night use of the Silver Queen Gondola and Sundeck is subject to the following restrictions:
  - A. Lighting: Previously approved and installed lighting may remain. New lighting shall comply with the Land Use Code. No lighting of the individual gondola cars and/or towers shall be allowed.
  - B. Hours of Operation: Night time use of the Silver Queen Gondola and Sundeck shall be permitted year-round for public and private events. Gondola operations shall cease by 1:00 AM for guest transportation and 2:00 AM for employee downloading on event nights, unless approved by a Special Event Permit. The Gondola shall cease operations by 8:30 PM on non-event nights year-round.
  - C. Number of Events: The number of night-time events shall not exceed a maximum of 110 events in one calendar year.
  - D. Permitted Capacities: All event use may accommodate up to 500 people (at one time) within the Sundeck building. Events of more than 500 people (at one time) shall be subject to a Special Event Permit.
  - E. Annual Review: There shall be no required annual review of night use/events. Reports for night

use/events shall be provided upon request from the Community Development Director.

- F. Public and Guest Access and Service: Access to the Sundeck for the public, guests and staff shall be by the Silver Queen Gondola. In the event of emergencies, access and egress for the public, event guests and staff may be made via Summer Road, Little Annie Road and Midnight Mine Road.
  - G. Noise Restrictions: Noise levels for night events shall comply with the Noise Abatement standards in the Pitkin County Code.
  - H. Publications and Notices: No publication or public notice shall be required prior to night use.
- 12. The Sundeck and Silver Queen Gondola shall not be used to stage events in the Rural/Remote zone district. The Sundeck and Silver Queen Gondola may be used as an aid station as part of an organized race that has obtained a Special Event Permit (such as the Elk Mountain Grand Traverse and the Power of Four).
  - 13. The Applicant may use Summer Road, Little Annie Road and Midnight Mine Road in the summer season for routine service, maintenance, and supply trips associated with or required for mountain operations. The Applicant has committed to utilize Summer Road and the Aspen Mountain Cutoff Road for the majority of these trips with certain improvements to Summer Road, which shall be approved by the County Engineer.
  - 14. Use of Little Annie Road and Upper Midnight Mine Road for access to the Sundeck for event support, staging, material delivery, service and supply shall only be allowed when Summer Road is impassable, for oversize vehicles, or for other good cause if approved by Pitkin County Community Development staff and at their sole discretion, and if allowed, shall be limited to the hours of 6:00 AM to 11:00 PM.
  - 15. Use of Summer Road, Little Annie Road and Midnight Mine Road for construction access shall be subject to approval of a Construction Management Plan by the County Engineer and Community Development.
  - 16. Prior to commencement of any construction activity associated with lift terminals or structures, the Applicant shall stake the corners of the area to be disturbed and install construction fencing around the perimeter of this area. All disturbance shall occur within the Activity Envelopes designated in the Master Plan. The fencing shall remain in place until project completion or a Certificate of Occupancy, as applicable.
  - 17. The Applicant shall comply with the standards in the Land Use Code for Development in Low or Medium Wildfire Hazard Areas, as applicable to each approved Activity Envelope.
  - 18. The Applicant shall comply with the following to mitigate impacts on wildlife:
    - A. Trash/garbage shall be kept in approved bear resistant containers or enclosures, including during construction.
    - B. Contractors and construction workers shall be prohibited from bringing dogs on-site during construction.
    - C. The new snow-making ponds shall have the following features to allow ingress and egress of wildlife: (1) At least one bank with 5:1 side-slopes, and (2) Any liner shall be covered with a

minimum of 12 inches of screened native soil material.

19. No calculations for height, bulk, setback, size, floor area, or any other building and zoning requirements have been conducted. These requirements will be considered at the time of building permit. Any structures represented in the application must comply with applicable building and zoning regulations.
20. Statutory vested rights for the Activity Envelope and Site Plan approvals contained herein are granted pursuant to the Pitkin County Land Use Code and Colorado Statutes, subject to the exceptions set forth in Pitkin County Land Use Code, § 4-140 and C.R.S., § 24-68-105. The statutory vested rights granted herein shall expire on September 11, 2029.

**NOTICE OF PUBLIC HEARING PUBLISHED IN THE ASPEN TIMES WEEKLY** on the 14th day of March, 2019.

**INTRODUCED AT A DULY NOTICED PUBLIC HEARING** on the 10th day of April, 2019.

**READ AT CONTINUED PUBLIC HEARINGS** on the 24<sup>th</sup> day of April, 2019, the 8<sup>th</sup> day of May, 2019, the 22<sup>nd</sup> day of May, 2019, the 26<sup>th</sup> day of June, 2019, the 21<sup>st</sup> day of August, the 28<sup>th</sup> day of August, and the 11<sup>th</sup> day of September, 2019.

**FINALLY ADOPTED** on the 11<sup>th</sup> day of September, 2019.

**PUBLISHED AFTER ADOPTION FOR VESTED REAL PROPERTY RIGHTS** in the Aspen Times Weekly on the \_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS

By \_\_\_\_\_

Jeanette Jones

Deputy County Clerk

By: \_\_\_\_\_

Greg Poschman, Chair

Date: \_\_\_\_\_

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
John Ely,  
County Attorney

\_\_\_\_\_  
Cindy Houben,  
Community Development Director



**EXHIBIT A**

**The Amended and Restated Aspen Mountain Master Plan encompasses all or a portion of the following parcels. Certain parcels are only partially within the existing SKI-REC boundary, as shown on the Exhibit A Supplement.**

<b>Parcel #</b>	<b>Owner</b>	<b>USMS # or Legal Description</b>
273513100015	C A Kelly	Duxie Claim USMS #3987
273513100024	Aspen Skiing Company + Pitkin County + Aspen Mountain Mining Corp	Pride of the Hills USMS #3916
273513100046	Aspen Skiing Company + Aspen Mountain Mining Corp + Mcconaty Mrs James + Hughes Doris B + Patten Caroline C + Balenseifen Suzanne B + Bartholomew Charley H + Hughes Charles J JR + Aspen Silver Water LLC	Pioneer USMS #1721
273513100057	Aspen Skiing Company	Big Chief USMS #4237, Little Chief USMS #5850
273513100802	Aspen Skiing Company + Aspen Valley Land Trust	Center USMS #4371
273513100852	Pitkin County	Sixty-Six USMS #5592
273513126001	Aspen Skiing Company	Subdivision: EAMES ADDITION Block: 10 Lot: 1 THRU:- Lot: 14
273513127001	Aspen Skiing Company	Subdivision: EAMES ADDITION Block: 12 Lot: 1 THRU:- Lot: 7
273513300004	Pitkin County + Leeper Farms Inc	Mattie Woods USMS #7097, Gray USMS #7097, Joseph Graham USMS #7097
273513300008	Pitkin County + Bryant Nancy	Coronado USMS #5410
273513300009	Pitkin County + Vincent Ronald L & Terry L	Orient USMS #5410
273513400002	Unknown Owners - Aspen Skiing Company has common law surface rights over this property	Big Four USMS #18453

273513400003	Aspen Skiing Company + Oxy Mining LLC	Broadway USMS #1631
273513400004	Aspen Skiing Company + Aspen Mountain Mining Corp	Multenoma USMS #14822
273513400009	Aspen Skiing Company + Pitkin County	Georgia USMS #18379
273513400010	Aspen Skiing Company + Aspen Mountain Mining Corp + White Virginia Flynn	Mabel USMS #5962
273513400014	Aspen Skiing Company + Oxy Mining LLC	Durgen USMS #1665

273513400028	Aspen Skiing Company	AMERICAN USMS #6258, ARIZONA USMS #5191, ASPEN USMS #3641, ASPEN MAMMOTH USMS #1617, BANNER USMS #4265, BETSY JANE USMS #3623, BIJOU USMS #5390, BONNY BELLE USMS #1387, CHANCE SOUTHERN PORTION USMS #1830, CONOMARA USMS #3643, CONOMARA 2 USMS #7130, DR FRANKLIN USMS #3886, DURANT USMS #1722, DURANT C R USMS #20385, EXCELSIOR USMS #6868, FOREST USMS #15914, FOREST (NOT PATENTED) USMS #3649, FRANKLIN USMS #4632, GENERAL SHIELDS USMS #3534, GOLCONDA USMS #3644, HERCULES USMS #3974, HIDDEN TREASURE USMS #3705, HOMESTAKE USMS #4634, HOSKINS USMS #1723, IRON USMS #1724, J E S USMS #5318, JOTE SMITH USMS #3914, KEYSTONE USMS #3132, KING BEE USMS #5099, LA SALLE USMS #1601, LATE ACQUISITION USMS #1484, LITTLE GIANT USMS #2529, MILLINEE USMS #3713, MILLIONAIRE USMS #3520, MILLIONAIRE MILLSITE USMS #3620, MONARCH USMS #1725, MONOGAHEIA USMS #3663, MOSE USMS #1742, ROBERT EMMETT USMS #3658, SILVER STAR USMS #3700, SPAR USMS #1403, STEELE USMS #3650, STILWELL USMS #3779, TIPPERARY BOY USMS #4250, TRAYNOR USMS #3915, TREASURE USMS #10381, VULTURE USMS #5658, WASHINGTON 2 (NORTHERN PORTION) USMS #1867, WASHINGTON 2 (SOUTHERN PORTION) USMS #1867, WAY UP USMS #3903
273513400030	Pitkin County	Tariff USMS #5410
273513400043	Aspen Skiing Company + Aspen Mountain Mining Corp	Aspen Fraction USMS #3641
273513400901	Aspen Skiing Company	ASPEN SKIING COMPANY IMPS ON ASPEN MOUNTAIN INCLUDING RESTAURANTS SNOWMAKING BUILDINGS & STRUCTURES
273524100004	Aspen Skiing Company + Pitkin County + Hunziker Bruce A	Bay State USMS #3653

273524100016	Aspen Skiing Company + Continental Divide Co + Aspen Silver Water LLC	Bonanza USMS #4351, Hidden Treasure USMS #4282
273524100018	Aspen Skiing Company + Pitkin County + Continental Divide Co + Bryant Nancy + Vagneur Tony	Mayflower USMS #3986
273524100035	Pitkin County + Continental Divide Company + Aspen Silver Water	St. Paul USMS #4279
273524100039	Aspen Skiing Company + Pitkin County + Aspen Mountain Mining Corp	Arlington USMS #4004 & Ruby USMS #3642
273524100046	Aspen Skiing Company + Bryant Nancy	Denver USMS #2047, Standby USMS #5317
273524100053	Aspen Skiing Company + Pfister Group + Stewart Maco + Bryant Nancy	San Jacinto USMS #4275
273524100580	Aspen Skiing Company	DOLLY DOT USMS #4088, KATIE FULTON USMS #4089, LITTLE MAGGIE USMS #4090, HARRISBURG USMS #1602, LITTLE PERCY USMS #3707, ABINGDON USMS #3652, HIDDEN TREASURE USMS #5276, AMAZON USMS #7363, BOB INGERSOL USMS #2319, BEST FRIEND USMS #4049, SAM HOUSTON USMS #4048
273524100851	Pitkin County	Charles L USMS #4812
273524400006	Aspen Skiing Company + Pitkin County + Aspen Mountain Mining Corp + Pfister Group + Stewart Maco	Silver Star USMS #3882
273524400011	Aspen Skiing Company + Pfister Group + Stewart Maco	MONTE CRISTO USMS#4015, WESTERN UNION USMS #4014, MINNIE MOORE USMS #5981, MARLIN USMS #4168, IOWA CHIEF USMS #2246, CELESTE USMS #3992, DIXON USMS #3957, GOOD THUNDER USMS #3741, JUSTICE USMS #4169

273524400012	Aspen Skiing Company + Pitkin County + Pfister Group(2) + Stewart Maco Trustee + Vance Steve + Savitz David B	Grand View USMS #3619, Burro USMS #3883
273524400044	Aspen Skiing Company + Pfister Group + Stewart Maco Trustee + Vance Steve + Savitz David B	Julia USMS #4046
273524400050	Aspen Skiing Company + Pitkin County + Aspen Mountain Mining Corp	Birmingham USMS #5211
273524400096	Aspen Skiing Company + Pitkin County + Aspen Mountain Mining Corp + Pfister Group + Stewart Maco + Johnson Stanford	Edison USMS #3618
273524400100	Aspen Skiing Company + Pitkin County + Pfister Group + Stewart Maco	Camp Bird USMS #2245A
273524400105	Aspen Skiing Company + Aspen Mountain Mining Corp + Pfister Group + Stewart Maco + Pitkin County	Libbie Bell USMS #4008
273524400112	Aspen Skiing Company + Pitkin County + Stewart Maco	Aztec USMS #5781
273524400851	Pitkin County	Nellie USMS #4679
273524400852	Pitkin County	Camp Bird USMS #2245B
273524400853	Pitkin County	Little Rule USMS #2686
273525100021	Aspen Skiing Company	BUCKORN USMS #2648, BUCKHORN #2 USMS #2405, CASTLE #2 USMS #2288, HIGHLAND LIGHT USMS #3771, LITTLE LOTTIE USMS #2006, SARAH JANE USMS #6860, TANNER USMS #2809, UNCOMPAGRE USMS #7900
273525100025	Aspen Skiing Company + Aspen Mountina Mining Corp + Gallagher Mary + Bershenyi Julia Living Trust	Carbonate Chief USMS #2356

273718200813	Aspen Valley Land Trust	Section: 18 Township: 10 Range: 84 TR OF LAND SIT IN NW4 OF SEC 18-10-84 SD TR IS PART OF MILLIONAIRE LODE USMS 3620 A AM & IS MORE FULLY DESC AS FOLS BEG AT COR NO 4 OF SD MILLIONAIRE LODE #4 TH S 04 DEG 30'00"W 648.50 FT ALG LI 3 4 OF SD MILLIONAIRE LODE TO PT OF INTSEC WI LI 4 5 OF LITTLE NELL LODE USMS 3881 AM TH S 43 DEG 28'44"W 23.91 FT ALD SD LI 4 5 TO COR NO 5 OF SD LITTLE NELL LODE TH S 45 DEG 36'00"W 204.56 FT ALG LI 1 5 OF SD LITTLE NELL LODE TH N 14 DEG 11'00"E 802.75 FT TH N 17 DEG 56'00"E 31.40 FT TO PT ON LI 4 5 SD MILLIONAIRE LODE TH S 80 DEG 30'00"E 7.31 FT ALG SD LI 4 5 TO COR NO 4 OF SD
273718200851	Pitkin County and City of Aspen	Little Nell USMS #3881
273718202211	Top of Mill Master Assoc	Subdivision: TOP OF MILL OPEN SPACE PARCEL B
273718250101	Aspen Skiing Company	Subdivision: LITTLE NELL SUB Lot: 1 LITTLE NELL HOTEL
273718250102	Aspen Skiing Company	Subdivision: LITTLE NELL SUB Lot: 2 LITTLE NELL COMMERCIAL
273718250103	Aspen Skiing Company	Subdivision: LITTLE NELL SUB Lot: 3
273718300815	Pitkin County	HAL SAYR USMS #5871, PYRENEES USMS #5871, REVENUE USMS #5871, SILVER CREST USMS #5871
273719200002	Pitkin County & Deane Wyrick	Katie Belle USMS #4323
273719200803	Pitkin County	La Cross USMS #5908
273719200851	Pitkin County	J McNeil USMS #5944
273719300006	Aspen Skiing Company	Last Dollar USMS #3849
273719300012	Aspen Skiing Company + Stewart Maco + Pfister Group + Aspen Mountain Mining Corp	OK USMS #3762

273719300414	Aspen Skiing Company	LAND LEASE FROM US FOREST SERVICE GRANT OF EASEMENT FROM PITKIN CO BOARD OF CO COMM TO ASPEN SKIING CORP DATED OCT 20 1962 BK 199 PG 489 AN EASEMENT FOR SKI LIFT OVER JUAN GILBERT HILL & SUMMIT ST & THE ALLEYS BETWEEN SUCH ST SEPARATING BLOCKS 7 8 9 10 & 12 OF EAMES ADDITION CITY OF ASPEN ALL IMPS ON PATENTED & PUBLIC LAND ON ASPEN AJAX & BELL MTN ETC IN PLACE JAN 1 1989
273719300851	Pitkin County	LITTLE EVA USMS #6425, MARY & EDITH USMS #4270, RED ROSE USMS #4432, SILVER BELL USMS #2564, SILVER BELL #2 USMS #3567, TOM THUMB USMS #6425, NUMBER 7 USMS #5819, YELLOW ROSE USMS #4432, COPPER KING USMS #3568, FOREST QUEEN USMS #5780, GRAND DUKE USMS #6213
273730200020	Aspen Skiing Company + Pitkin County	HUDSON USMS #5788, CHAMPION USMS #5788, FAIRVIEW USMS #5788, LEGAL TENDER USMS #5788
273730200851	Pitkin County	PICKWICK USMS #7873, UNCLE SAM USMS #5250, MISSOURI & PACIFIC USMS #6581
273730300002	Aspen Skiing Company (Property are partially within the existing SKI-REC boundaries as shown on Exhibit A – Supplement)	BOB ROBERTS USMS #6301, BUCKEYE USMS #6301, CHARMION USMS #6383, GEORGIANA USMS #6301, JOE DANDY USMS #6301, LIME USMS #5934, LITTLE ROBERT USMS #5934, PINE TOP USMS #5934, QUARTSITE USMS #5934, TOM HENDRIX USMS# 6301, TORNADO 1 & 2 USMS #5934, WILLIARD L. USMS #6301

273730301002	Aspen Skiing Company  (Property is partially within the existing SKI-REC boundary as shown on Exhibit A – Supplement)	Quarter: SW Section: 30 Township: 10 Range: 84 PARCEL B: PORTION OF IRON SILVER PLACER USMS 5963 LYING IN SECS 30 & 31-10-84 COMMENCING AT COR #6 OF IRON SILVER PLACER A 3 1/4" ALUMINUM CAP LS#19589 SET IN PLACE THE POB TH S 27°45'58"E ALNG THE ELY BOUNDARY OF IRON SILVER PLACER 237.55 FT TH LEAVING ELY BOUNDARY S 27°25'37"W 306.98 FT TH S 11°15'00"E 1265.16 FT TH S 35°17'27"W 450.10 FT TH S 01°53'19"W 937.81 FT TH S 49°14'06"W 397.69 FT TO A PT ON THE WLY BOUNDARY OF IRON SILVER PLACER TH N 29°19'16"W ALNG WLY BOUNDARY 2032.00 FT TO COR #1 OF IRON SILVER PLACER A 3 1/4" ALUMINUM CAP LS#19589 SET IN PLACE TH CONT ALNG WLY BOUNDARY N 12°48'12"W 727.51 FT TO COR #7 OF IRON SILVER PLACER (WH A WITNESS COR TO SAID COR #7 A 3 1/4" ALUMINUM CAP LS#19589 SET IN PLACE BEARS S 62°17'00"W 205.49 FT) TH N 62°14'02"E ALNG THE NLY BOUNDARY OF IRON SILVER PLACER 1731.19 FT TO POB CONT 74.602 AC +/- MINE: IRON SILVER PLACER - 5963 74.602 ACRES 1/2 SURFACE & MINERAL RIGHTS
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## EXHIBIT B

### LISTING OF USES AND ACTIVITIES

The following listing of uses and activities shall serve as a guide for the administration of the approval process for the lands within the Aspen Mountain "SKI-REC" Zone Boundary. Pitkin County Land Use Code Section 2-40-100 states all uses are subject to approval through the master plan process and must be organized by:

- Activities and uses allowed all year;
- Activities and uses allowed during the traditional winter ski season;
- Activities and uses allowed during the traditional spring, summer, fall seasons;
- Activities and uses which are allowed by further review.

#### **Activities and Uses Allowed All Year**

Activities which are allowed all year are those uses which are typically associated with the year-round recreational use of the mountain and have little or no environmental and service related impacts. Refer to the Aspen Mountain Master Plan illustration (Figure II.5, 2018 Aspen Mountain Resort Upgrade Plan) which shows locations of buildings, lifts, ski terrain, catwalks and utility corridors. Permanent uses allowed by right year-round include the following:

- 1) General maintenance activities normally associated with the operation of the recreation area including but not limited to:
  - a) Construction of new ski lift facilities as depicted in the Aspen Mountain Master Plan, as well as lift renovation, relocation, upgrading and maintenance, to the extent there is no significant increase in the bulk of the top or bottom terminals or associated facilities. There will be no significant increase in visibility as seen from the corridors designated in Sec. 7-20-120 of the Code, including State Highway 82 and Castle Creek Road.
  - b) Removal of lifts.
  - c) All ski trail work including logging and timbering, grading, clearing, glading, fine grooming, re-vegetation and other such activities normally associated with the construction, maintenance and improvement of trails.
  - d) Construction of terrain parks, terrain features, and ancillary snowmaking.
  - e) Maintenance on all existing hiking, biking and equestrian trails including grading, clearing, re-vegetation and other such activities normally associated with the maintenance and improvement of existing trails.
  - f) General maintenance, modification, reconstruction, upgrades, demolition and renovation of on-mountain structures, including snowmaking equipment and infrastructure.
  - g) Construction staging for activity taking place on site.
  - h) Road maintenance, including road improvements and the drainage thereof, of all ASC private, operational roads and trails and road maintenance, including road improvements and the drainage thereof on Summer Road or other public roads and rights of way as authorized and approved by the Pitkin County Engineer.

- 2) Construction, use and occupancy of buildings and facilities depicted in the Master Plan, subject to required building permits, inspections and other applicable approvals.
- 3) Expansions of any individual building by 10% or 1,000 square feet, whichever is less.
- 4) Aspen Skiing Company offices and other operational buildings and facilities.
- 5) Grazing on Forest Service and private lands when allowed and as regulated by governing state, federal and local authorities.
- 6) Hunting on Forest Service and private lands where and when allowed and as regulated by governing state, federal and local authorities.
- 7) Hiking, biking, horseback riding on mountain roads and trails and other recreational endeavors on federal, state and locally controlled areas, except when prohibited due to on-mountain construction, maintenance or operations.
- 8) Interpretive signs.
- 9) Picnics.
- 10) Competitive events, including races for Alpine, Freestyle, or Nordic disciplines on skis, snowboards, bikes, on foot or other recreational, non-motorized methods.
- 11) Award ceremonies.
- 12) Construction of the utility trenches as needed for the repair and maintenance of all utility and snowmaking systems. Water wells, storage ponds, water lines, water treatment facilities, and water tanks, pumps and pumping facilities compressed air lines, water and waste lines and other such utilities (all of which may be above or below ground), required for the operation of provision for domestic water service, snowmaking and manmade snow-making machinery and sanitary services.
- 13) Extension of snowmaking terrain depicted in the Aspen Mountain Master Plan.
- 14) Vehicle and equipment maintenance and storage shops.
- 15) Utility lines, including water, sewer, waste, electrical, natural gas, cable, fiber and other utilities required for the operation of the ski area.
- 16) Fuel farms and other on-mountain fuels, lubricants, coolants, and similar materials storage facilities.
- 17) High explosives storage including construction of the Powder Mixing and Storage Magazine Facility.
- 18) Communication transmission sites subject to required Pitkin County land use review and approval.
- 19) New and existing access roads for operations, maintenance and construction of facilities within the ski area.
- 20) Tube, lattice and other types of lift towers needed to achieve optimum lift operations.
- 21) New or replacement top and bottom drive and return stations, lift maintenance and cabin storage facilities, and lift operator cabins not visible as seen from the corridors designated in Sec. 7-20-120 of the Code.
- 22) Lift removal, annual maintenance and/or replacement of lift machinery and systems as long as such replacement does not substantially deviate from the lift locations and specifications of the Proposed Conditions section of the Aspen Mountain Master Plan.
- 23) Storage of ski area equipment
- 24) Construction staging for the use and benefit of the applicant and its affiliates only.

- 25) Special events including weddings, concerts, children's activities, private parties, worship services, fund raising events, and other group activities and social events with fewer than 500 people hosted at one time.
- 26) Accessory recreational facilities and structures designed to support specific recreational endeavors.
- 27) Information shelters, beverage and snack stands on the mountain.
- 28) Public and/or permitted parking for motorized, wheeled and tracked vehicles for recreational, ancillary and other permitted uses.
- 29) Public transportation and private transportation.
- 30) Overnight truck parking by applicant and its affiliates.
- 31) Rental and sales of recreational equipment, goods and accessories in support of mountain activities.
- 32) Entry signs and relocation of existing Aspen Mountain Ski Area signs subject to and as approved in the Master Plan or by other Pitkin County review.
- 33) Public restrooms.
- 34) Commercial photography and film shoots subject to applicable commercial permits.
- 35) Environmental/nature tours and education programs.
- 36) Professionally guided fee based recreational, environmental or nature tours subject to Pitkin County permitting as required for the operator.
- 37) Restaurants, including indoor and outdoor dining and drinking, food preparation and service for the general public and private club members, as well as for catering and special events.
- 38) Community space for training, gatherings, and events with fewer than 500 people.
- 39) Aspen Skiing Company meetings and corporate training events with fewer than 500 people.
- 40) Special events with more than 500 people, subject to Pitkin County approval of a special event permit.
- 41) Private clubs and associated uses, including, but not limited to private dining, bar service, parties, gatherings, social activities and events.
- 42) Hang gliding, paragliding or similar aerial uses and activities.
- 43) Pass and ticket sales.
- 44) Silver Queen Gondola operation until 8:30 PM.
- 45) Night time operations of the Silver Queen Gondola, Sundeck restaurant, Aspen Mountain Club, their ancillary facilities and supporting infrastructure for public and private use and special events. . Gondola operations shall cease by 1:00 AM for guest transportation and 2:00 AM for employee downloading on event nights, unless approved by a Special Event Permit. Such night time use and special events shall be limited in number and shall occur no more than 110 nights during one calendar year, the scheduling of which shall be at the discretion of the Aspen Skiing Company.

**Uses Allowed by Right during the Traditional Winter Season or during the Preparation for the Opening of the Ski Area.**

Uses and activities allowed during the traditional winter season or during the preparation for the opening of the ski area are set by the adoption of this plan.

According to section 2-40-100 of the Pitkin County Land Use Code these are: "Activities which are allowed during the traditional winter season are those uses which provide basic support services for mountain operations and have little or no environmental and service related impacts". The allowed winter uses include:

- 1) Outdoor recreational uses and facilities set in natural environmental conditions, including but not limited to, snowboarding, snowshoeing, downhill and uphill skiing, both Nordic and Alpine, ski racing, and similar winter snowsports.
- 2) Outdoor recreational uses and facilities set in a natural environment including but not limited to ski racing, free-style contests, Nordic jumping and other such snow-sport organized special events utilizing amplified public address systems.
- 3) Ski/Snowboard lessons- group and private.
- 4) Personal service outlet including equipment rental and repair activities in support of mountain activities.
- 5) Lift operation of all lifts shown and described in the Aspen Mountain Master Plan.
- 6) Accessory uses to ski area operations not otherwise specifically identified.
- 7) Existing accessory buildings and accessory buildings described or depicted in the Master Plan including, but not limited to patrol stations, warming huts, equipment storage buildings and lift operator huts.
- 8) Indoor recreational facilities and activities including but not limited to video games, table games, and climbing wall.
- 9) Ticket sales areas.
- 10) Snowmaking.
- 11) Avalanche control work accomplished by the use of high explosives.
- 12) Snow grooming including, but not limited to, rolling, tilling, compaction, cutting, dozing and relocating.
- 13) Establishment of lift opening times, trail closures, grooming schedules, snowmaking efforts and other on-going mountain management issues.
- 14) Guided skiing tours within ski area permit boundary.
- 15) Magic carpets to transport skiers.
- 16) Ski storage and transfer
- 17) Commercial photography and film shoots.

#### **Uses Allowed by Right during the Traditional Spring, Summer, Fall Seasons.**

Uses and activities allowed during the traditional Spring, Summer and Fall seasons permitted or allowed ~~are set~~ by the adoption of this plan, include:

- 1) Outdoor recreational uses and facilities set in natural environmental conditions; including, but not limited to, mountain boarding, horseback riding, disc golf, concerts with groups under 500 people and other similar or common mountain recreation activities not specifically mentioned.

### **Uses Requiring a Special Event Permit.**

- 1) Events with more than 500 people at one time or as otherwise required by County Code.
- 2) Any multi-day event that does not directly support ski operations.
- 3) Any event (such as a concert) that is based outside on the mountain within the Special Use Permit boundary.

### **Uses Allowed by Further Review**

This section identifies uses and activities requiring further County review prior to their implementation. Further review may include Special Review, Activity Envelope and/or Site Plan Review, Growth Management Quota System competition or exemption, or other applicable review process as determined by County Community Development Department.

- 1) Special summer activities including but not limited to: bungee trampoline, climbing and bouldering walls and platforms, rope courses, slack lines, challenge courses, zip lines and canopy tours, commercial jeeping, Alpine Slides, Water Slides, Mountain Coasters.
- 2) New shelters or restaurant facilities not identified on the current plan submission.
- 3) Expansion of snowmaking coverage outside of areas included within this Master Plan.
- 4) Any new building not currently included in the Master Plan, which will exceed the 28' height limitation or will be visible from the corridors designated in Sec. 7-20-120 of the Code.
- 5) All building expansions greater than 1,000 sf or 10% of the existing gross floor area.
- 6) All new hiking, biking and equestrian trail construction including grading, clearing, re-vegetation and other such activities normally associated with the construction and improvement of trails. Bike haul on the Silver Queen Gondola shall only be considered in association with a management plan for mountain biking trails.
- 7) Re-opening of Ruthie's Restaurant for night-time public dining
- 8) Night use of any facilities other than the Silver Queen Gondola and Sundeck, except as may be approved as part of a Special Event Permit
- 9) Replacement of the Shadow Mountain lift in a different alignment and/or if there is a significant increase in the bulk of the top or bottom terminals or associated facilities.

**EXHIBIT C**

**2018 ASPEN MOUNTAIN AMENDED AND RESTATED SKI REC MASTER PLAN**